

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Dwain Gaines,

Case No. 23-cv-1913 (PJS/DTS)

Petitioner,

v.

ORDER

J. Rardin, Warden,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge David T. Schultz dated July 7, 2023. No objections have been filed to that Report and Recommendation in the time period permitted.

The Court, being duly advised in the premises, upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED: Dwain Gaines's petition for habeas corpus under 28 U.S.C. § 2241, (Dkt. No. 1), is DISMISSED without prejudice for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 10, 2023

s/Patrick J. Schiltz

Patrick J. Schiltz

Chief Judge

United States District Court